62 **13.10. 2026**

Ct. No. 18

Ab

WPA 3835 of 2020

Sanjib Kumar Laha and others
Vs.
The State of West Bengal and others.

Mr. Kalyan Kumar Chakraborty,
Mr. Kashinath Bhattacharjee,
Mr. Gopal Krishna Sarkar,
Mr. Suvomoy Bhattacharya'
... for the petitioners.

Mr. D. N. Ray, ld. GP,
Ms. Aparna Banerjee, ld. AGP,
MR. Suman Chattopadhyay.
... for the State.

1. The petitioners are all contractual employees, who have been recruited for a particular project. Though this project has run its course, the petitioners were inducted into the Integrated Child Development Scheme (ICDS) under the Department of Child and Social Welfare. The petitioners are still engaged thereat since 2009 onwards.
2. The petitioners had preferred a writ application on an earlier occasion, which was disposed of by an order of August 13, 2019 directing the Nodal Officer in-Charge of ICDS being the Additional District Magistrate, Balurghat, Dakshin Dinajpur, to consider the enhanced remuneration of the petitioners as they have all rendered service in excess of ten years.
3. The Hon'ble Co-ordinate Bench disposed of the writ petition giving liberty to the petitioners to attend the hearing before the Additional District Magistrate and

disclose all requisite documents and papers. The Additional District Magistrate after giving a hearing passed an order dated September 18, 2019, which has been challenged in the instant writ petition. The very premise of this order is that the purpose for which the petitioners have been engaged on a contractual basis no longer exists. Therefore, the question of enhancing the petitioners' remuneration was not considered and also the fact that there were no additional funds available for the post, the request of the petitioners was declined.

4. The basis of the order that the petitioners' employment as contractual workers in a particular project is erroneous, since, the petitioners have now been inducted into the ICDS, on a contractual basis. The same has been approved by the Finance Department as well.

5. It is not in dispute that the petitioners rendered service in excess of ten years and are, therefore, entitled under the notification regarding enhancement of remuneration particularly one dated February 25, 2016 and subsequent notifications as well.

6. Mr. Chakraborty, learned Advocate appearing for the petitioners, has also placed reliance on the decision rendered by the Hon'ble Division Bench in MAT 1039 of 2026 (Jyostna Bakshi @ Jyotsna Bakshi vs. State of West Bengal and others). The Hon'ble Division Bench

has held in no uncertain terms that a beneficial scheme formulated by the State should be enforced as such, particularly, since the State is a model employer and must conduct itself with high probity and candour and ensure that its employees do not succumb to any discriminatory practice.

7. In view of the fact that the deciding authority proceeded to pass the order on the basis that the petitioners being contractual workers and on account of that particular project having come to an end the petitioners could be considered for any enhancement of remuneration, is completely misconceived. Since the petitioners have been inducted into the ICDS, enhancing the petitioners' remuneration has to be considered in line of the prevalent and applicable notifications.

8. In view thereof, the order impugned dated September 18, 2019 is set aside.

9. I direct the respondent no. 4 to consider the prayer of the petitioners for enhancing entire remuneration in accordance with the prevalent notifications. The process should be conducted by granting a hearing to the petitioners with adequate prior notice. The petitioners will be entitled to produce and rely upon all necessary and requisite documents, notifications and decisions, if any. The entire process will be completed within twelve weeks from the date of

communication of this order.

10. The petitioners will serve the copy of this order on the District Magistrate to enable to take steps in accordance with the directions contained herein.

11. With the afore-stated directions, the writ petition is disposed of.

12. There shall, however, be no order as to costs.

13. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)